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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,823	07/16/2003	Gregory W. Shimola	ESCZ 2 00163	1246

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EXAMINER

PATEL, DHIRUBHAI R

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/620,823

Applicant(s)

SHIMOLA ET AL.

Examiner

DHIRU R PATEL

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 7-22 is/are allowed.  
6) ☒ Claim(s) 1-6 and 23-28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

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***Drawings***

1. The drawings are objected to because arrow pointed for elements 34,40,42, 48,56,74,76, and 70 is confusing. The examiner suggests provide a new drawing showing arrow pointing to elements 42,56,40,48,74,76, 34, 70. Correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1- 6 , 23-28 are rejected under 35 U.S.C. § 102(b) as being anticipated by Semrau (4,901295).

Semrau discloses:

Regarding claim 1, a grommet 20' (see entire abstract, fig 3, column 3 lines 50-68)for sealing a conductor 18' relative to a substrate 10' having opposite sides 14', 16' and an opening 12' therethrough for a conductor 18' (see fig 3, column 3 lines 50-68), said grommet being tubular and of a resilient material (see entire abstract, column 1 lines 35-60) and having axially opposite ends 34', 42' (see fig 3, column 3 lines 50-68), one of said ends 34' for sealingly engaging with a conductor 18' (see fig 3) and the other of said fiends 42' being radially

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spaced from the conductor and diametrically larger than the opening 12' through the substrate 10' (see fig 3 and column 1 lines 38-60).

Regarding claim 2, wherein said other of said ends includes a radially extending peripheral flange 28' (see entire abstract, fig 3, column 3 lines 50-68) having radially inner and outer peripheral surfaces respectively diametrically smaller and larger than the opening through the substrate (see fig 3).

Regarding claim 3, said flange has an axially outer face and an axially inner face spaced therefrom in the direction toward said one end (see fig 3).

Regarding claim 4, wherein said inner face is planar (see fig 3).

Regarding claim 5, said other end includes a radially inwardly extending peripheral recess adjacent said inner face of said flange (see fig 3).

Regarding claim 6, wherein said recess has a bottom diametrically dimensioned for sealing with the opening through the substrate (see fig 3).

Regarding claims 23-28, claims 23-28 are counterpart of the product claims 1-6 and see entire specification .

***Allowable Subject Matter***

3. Claims 7-22 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

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The primary reasons for the indication of the allowability of claims 7-22 are the inclusion therein, in combination as currently claimed, of the limitation of further including a wall between said one and said other end having at least one re-entrant wall portion therein

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

***Other prior art cited***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fukumoto et al, Katoh, and Yasukuni disclose a grommet similar to applicant's claimed invention.

***Contact information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is (571) 272--1983. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. The fax number for this Group is 703-872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2800 ext 31.

Dhiru Patel  
Primary Examiner  
Group Art Unit 2831  
February 18, 2004

*Dhiru Patel*  
*Primary Examiner*  
*2/18/04*